

2009R01365  
EWM/gr

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

*Plaintiff,*

v.

ISAIAS POUERIET  
a/k/a "PITO"

*Defendant.*

Hon. Dickinson R. Debevoise, U.S.D.J.

Criminal No. 11-38 (DRD)

CONSENT JUDGMENT AND  
PRELIMINARY ORDER OF  
FORFEITURE

**WHEREAS**, on January 19, 2012, the United States filed an Information, Criminal No. \_\_\_\_\_ (DRD), against defendant Isaias Pueriet a/k/a "Pito" (hereinafter "Defendant") charging him with knowingly and intentionally conspiring to distribute and possess with intent to distribute 28 grams or more of cocaine base, that is, "crack" cocaine, contrary to 21 U.S.C. §§ 841(a)(1) and (b)(1)(B), in violation of 21 U.S.C. § 846; and

**WHEREAS**, on January 19, 2012, the Defendant pled guilty to the one-count Information; and

**WHEREAS**, pursuant to 21 U.S.C. § 853, a person convicted of an offense in violation of 21 U.S.C. § 846 shall forfeit to the United States any property constituting, or derived from proceeds the Defendant obtained directly or indirectly as the result of an offense, or any property used, or intended to be

used, in any manner or part, to commit, or to facilitate the commission of an offense; and

**WHEREAS**, by virtue of the above, the United States is now entitled to possession of one 2001 Ford F150 Pick-up truck, VIN # 1FTRW08L11KE13698 (the "Property"); and

**WHEREAS**, the Defendant acknowledges that the Property was used or intended to be used, in any manner or part, to commit or to facilitate his commission of a violation of 21 U.S.C. § 846, and therefore is subject to forfeiture to the United States pursuant to 21 U.S.C. § 853; and

**WHEREAS**, the Defendant agreed to forfeit the Property, waives all interests in and claims to the Property, and hereby consents to the forfeiture of the Property to the United States; and

**WHEREAS**, the Defendant:

(1) Agrees to consent promptly upon request to the entry of any orders deemed necessary by the Government or the Court to complete the forfeiture and disposition of the Property;

(2) Waives the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of forfeiture in the charging instrument, announcement of the forfeiture in the Defendant's presence at sentencing, and incorporation of the forfeiture in the Judgment;

(3) Acknowledges that he understands that forfeiture

of the Property will be part of the sentence imposed upon the Defendant in this case and waives any failure by the Court to advise the Defendant of this, pursuant to Federal Rule of Criminal Procedure 11(b)(1)(J), during the plea hearing;

(4) Will, pursuant to Rule 32.2(b)(3), promptly consent to the finalization of the order of forfeiture before sentencing if requested by the Government to do so;

(5) Waives, and agrees to hold the United States and its agents and employees harmless from, any and all claims whatsoever in connection with the seizure, forfeiture, and disposal of the Property described above;

(6) Waives all constitutional and statutory challenges of any kind to any forfeiture carried out pursuant to this consent judgment;

(7) Agrees to cooperate in resolving third-party claims in favor of the United States, and for good and sufficient cause shown;

It is hereby **ORDERED, ADJUDGED, AND DECREED:**

**THAT** one 2001 Ford F150 Pick-up truck, VIN # 1FTRW08L11KE13698 is hereby forfeited to the United States of America pursuant to the provisions of 21 U.S.C. § 853 for a violation of 21 U.S.C. § 846; and

**THAT**, pursuant to 21 U.S.C. § 853(n)(1), the United States shall publish notice of this Order and of its intent to dispose of the Property in such a manner as the Attorney General may direct, including posting notice on the

official internet government forfeiture site, namely [www.forfeiture.gov](http://www.forfeiture.gov), for at least 30 consecutive days; and

**THAT**, pursuant to 21 U.S.C. § 853(n)(2), any person, other than the Defendant, asserting a legal interest in the Property must file a petition with the Court within **thirty (30)** days of the final publication of notice or of receipt of actual notice, whichever is earlier, and state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Property; and

**THAT**, pursuant to 21 U.S.C. § 853(n)(3), the petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title or interest in the Property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the Property, and any additional facts supporting the petitioner's claim and the relief sought; and

**THAT**, the United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the Property, as a substitute for published notice as to those persons so notified; and

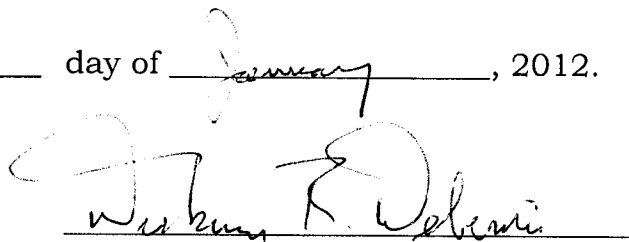
**THAT**, the Property is to be held by the appropriate United States agency in its secure custody and control until the appropriate disposition of the Property by the United States; and

**THAT**, it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the Defendant up to the value of the property described above, if the Property or any portion thereof, as a result of any act or omission of Defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty; and

**THAT**, upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

**ORDERED** this 19<sup>th</sup> day of January, 2012.

  
\_\_\_\_\_  
Honorable Dickinson R. Debevoise  
United States District Judge

The undersigned hereby consent  
to the entry and form of this  
Consent Judgment and Preliminary  
Order of Forfeiture:

PAUL J. FISHMAN  
United States Attorney

A handwritten signature in black ink, appearing to read "Eric W. Moran", written over a horizontal line.

By: ERIC W. MORAN  
Assistant United States Attorney

Dated: January 19<sup>th</sup>, 2012

A handwritten signature in black ink, appearing to read "Chris Patella", written over a horizontal line.

CHRISTOPHER L. PATELLA, ESQ.  
Attorney for Defendant Isaias Pueriet

Dated: January 19<sup>th</sup>, 2012

A handwritten signature in black ink, appearing to read "Isaias Pueriet", written over a horizontal line.

Defendant Isaias Pueriet

Dated: January 19<sup>th</sup>, 2012